

Marvin, Jenna
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DOE/EIS - 0336
From: Jennamarv@aol.com [SMTP:Jennamarv@aol.com]
To: Pell, Jerry
Cc: Jennamarv@aol.com

Subject: DOE/EIS - 0336
Sent: 10/12/2003 8:04 PM
Importance: Normal

Jenna Marvin
1633 E. Water St.
Tucson, AZ 85719
520-795-5850
jennamarv@aol.com
October 12, 2003

Dr. Jerry Pell:

After reviewing the DOE/EIS 0336, I am writing this letter to urge you not to approve any of the plans for Tucson Electric Power Company's desire to build a 345kV electric transmission line from Sahuarita to Nogales.

There are three very good reasons for this. Most importantly a 345kV line is not needed. Second, the negative consequences to the environment are too great. Third, the scenic and recreational value of the region will be greatly diminished.

Even as shareholder in TEP through Unisource, I do not want this power line built. Yes, it could line the pockets of shareholders like me, but at what expense? TEP only wants to build this power line to tap in to new revenue sources in Mexico. Mexico can build its own power plant and a much

Comment No. 1

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

A smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal and, therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Chapters 3 and 4 provide analyses on the affected environment and potential impacts to the environment, including evaluation of visual resources (Sections 3.2 and 4.2), and recreational opportunities (Sections 3.1.2 and 4.1.2).

Comment No. 2

The citizen-initiated proposal for an addition to the National Wilderness Preservation System is acknowledged in Section 5.2.4.

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1
cont. smaller redundant line can be built to meet the needs of Santa Cruz County.

2 I can't believe that we are even considering allowing a scenic and environmental region to be harmed just to increase the wealth of the wealthy. This is the epitome of what is wrong in this country. Even as I write this letter and before TEP was dreaming up this power line, organizations have been working to declare Peck Canyon a wilderness area. Endangered species reside in the entire area. New roads and cleared areas take forever to be reclaimed and in the meantime non-native plants find a great place to get a start. Just today I was hiking in nearby region (Santa Rita Mountains) where 100 years ago (1903) roads were put in for mining. The Kentucky mine failed and closed shortly after, but the ditches, roads and cleared areas are still there. The area in and even beyond Peck Canyon in the rest of the Coronado National Forest needs to be protected from new roads and power lines

1
cont. Ruby Road to Sycamore Canyon is one of the most beautiful areas in the United States. The views in full circle offer incredible sunsets, sunrises and all day vistas for miles. Not a single 140-foot power line can be seen. The views and variety of plant life and wildlife in the area leave me stunned and in awe each time I visit to hike and camp. I want this unspoiled view to be here for future generations to enjoy as well.

Those of us who visit the area use sunlight and batteries, how ironic it would be to have these monstrous powerlines ruin the scenic quality.

Comment No. 2 (continued)

Sections 3.3 and 4.3 describe the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential invasive (nonnative) species impacts. Section 4.3.2 states that the long-term reductions in biological activity (e.g., lack of vegetation in an area due to construction traffic) tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances.

Sections 3.12 and 4.12 discuss the existing roads in the project area, including the Coronado National Forest, and analyze impacts from the proposed project including new temporary and permanent access roads.

Comment No. 3

As discussed in the response to Comment 1 above, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal.

Due to visual impacts through densely populated areas, and the potential impacts to cultural resources, the I-19 corridor was eliminated from further analysis as viable action alternative (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Marvin, Jenna

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3 | Instead of allowing this mammoth, ugly, environment spoiler, 345vK power line through the scenic and beautiful Tumacacori Mountains, Atascosa Mountains, Sycamore Creek and Ruby Road, let us instead plan a smaller redundant line through the Santa Cruz Valley where it will serve the very people who need power. The people of the Santa CruzValley don't want 345vK lines through their valley either. Please say no to the Western, Central andCrossover corridors.

Sincerely,

Jenna Marvin – TEP shareholder, resident of Arizona and avidoutdoorswoman

Maurer, Christine

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----- Forwarded by Susan K Kozacek/R3/USDAFS on
10/15/2003 12:56 PM -----
cgrazian@dolphin.upenn.edu
10/09/2003 08:55 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

I am writing to urge you to withdraw the current draft
1 Environmental Impact Statement for Tucson Electric Power's
proposed 345 kilovolt powerline. With some ingenuity and a
2 back turned to political favoritism, an alternate solution should
be possible.

TEP's proposed "Western Route" and alternative "Crossover
Route" would carve through some of the most remote and wild
areas in Southeast Arizona, forever scarring the beautiful and
irreplaceable landscape of the Tumacacori Highlands. This
3 area contains several roadless areas as well as a citizen's
proposed Wilderness area home to black bears, Mexican
spotted owls, lesser-long nosed bats and peregrine falcons as
well as lesser known species such as the Sonora chub,
Mexican vine snake, elegant trogon and the Gentry indigo
bush. A jaguar was sighted in this area only two years ago.

4 The important goal of providing fully reliable electrical
service to the city of Nogales and Santa Cruz County must be
achieved. Unfortunately, instead of building the small

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 3

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

The citizen-initiated proposal for an addition to the National Wilderness Preservation System is acknowledged in Section 5.2.4.

Maurer, Christine Graziano

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- 4
cont. transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico. You must have a more creative solution?
- 2
cont. The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.
- 5
2
cont. The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Christine Graziano Maurer
3465 Sansom St. #391
Philadelphia, Pennsylvania 19104

Comment No. 3 (continued)

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Comment No. 5

ACC Comment 3 emphasized that a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

McBride, Jim and Karen
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1/6/03

To Whom It May Concern,

1 Please do not approve permits for the building of the 345 KV powerline to Nogales. Please protect ^{our} wildlife and what little remains of our wild areas. We actively hike and bird in the path of this powerline and we know what damage it would do. It is unnecessary, expensive, and proposed for all the wrong reasons.

Sincerely,
Jim and Karen McBride
Green Valley AZ

Comment No. 1

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project.

Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to ACC, Comment 1, and to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

McBride, Karen
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Proposed 345 kv Powerline to Nogales

From: motmot@att.net [SMTP:motmot@att.net]
To: Pell, Jerry
Cc:

Subject: Proposed 345 kv Powerline to Nogales
Sent: 10/3/2003 6:28 PM

Importance: Normal

1 | This proposal is a travesty. Not only is the powerline not needed, but its construction will destroy some of the last remaining wilderness in Arizona and will only serve to pad the pockets of the power company. Please, please, this time listen to the people who live here. We don't want this powerline. We want to keep our wildlife and wild areas, what's left of them, from harm.

Karen McBride
Green Valley Arizona

Comment No. 1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to ACC, Comment 1, and to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Section 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project.

As explained in Section 3.1, Land Use, none of the study corridors go through a wilderness area classified as part of the National Wilderness Preservation System (Sections 3.1.1 and 4.1.1 address the nearest such area, the Pajarita Wilderness). Also, refer to the response to Arizona Wilderness Coalition, Comment 1, regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

McCleve, Scott
Page 1 of 2

Dr. Jerry Prell
 NEPA Document Manager
 Office of Fossil Energy
 US Department of Energy
 Washington, D.C. 20585

Dear Dr. Prell:

Thank you for sending me the Draft Environmental Impact Statement regarding the Sahuarita-Nogales transmission line. Although late, I hope these comments can be included in the decision-making process.

I am a retired high school teacher, with 31 years experience (29 in Douglas). As a young man I put myself through college working on power lines for various periods from 1957-1969. I worked on the twin 345 KV power lines from Farmington to Mesa in 1962, and on other lines in Arizona, Colorado and Oregon. Thus I have had a first-hand look at power lines and the changes on the ground caused by their construction and maintenance.

I am also an amateur naturalist, with a broad knowledge of flora and fauna. My wife and I moved to Douglas in 1969 because of the biodiversity in this area. My specialty is entomology, specifically beetles of the family Scarabaeidae. I am the recognized world main authority on the large, complex and difficult scarab genus *Diplotaxis* (about 230 valid described species, with over 300 undescribed species known to me). I have published as author or co-author several papers describing new species of scarabs and carabids (Carabidae). Three species have been named for me (as patronyms) in recognition of my work with beetles and for generally being a nice person: *Aegialia maclevei*, *Copris maclevei*, and *Hirsutotriplax maclevei*. Other similar patronyms are in press or in preparation.

I have visited the Pajarita-Atascosa mountains west of Nogales several times over many years, usually collecting beetles for research. I have hiked down Sycamore Canyon several miles. All of southeast Arizona is incredibly rich in biodiversity, with Santa Cruz and Pima counties being as rich as any other area in this corner of the state. I have collected significant beetles in this area, including 1) the type series of what became *Copris maclevei* a little south of Arivaca (Warner, W.B., Pan-Pacific Entomologist, 66(3): 232-240, 1990); and 2) only the second known U.S. specimen (in Pena Blanca Canyon) of the tropical species *Ozaena lemoulti* (Ball, G.E. and S. McCleve, Quaestiones Entomologicae, 26: 30-116, 1990); and 3) the only member of the tropical scarab genus *Canthidium* (and a soon-to-be-described new species) ever collected (in Pena Blanca Canyon) in the United States (Bruce Gill, personal communication).

1 cont. The biodiversity of all of southeast Arizona, compared to other areas—even other areas in our biodiversity-rich state—is more than striking. It is overwhelming to those with the means to actually recognize it, these persons being usually naturalists and biologists such as myself. To the average citizen, or even most above-average citizens, this biodiversity is not readily evident. The well-informed citizen in Arizona knows that this area is famous for birds and mammals that occur here (or formerly occurred here), but few beyond biologists and naturalists realize that this area is literally crawling with mind-boggling diversity. Citing a new power line anywhere in this area requires special considerations.

2 Building a power line in this area without an overwhelming national security need is a very bad idea. Especially the Western Corridor Alternative is a horrible idea and the worst of those offered. The Crossover Alternative is highly unacceptable. The only remotely acceptable choice is the Central Alternative. However, nowhere have I seen compelling

Comment No. 1

Sections 3.3 and 4.3 present a description of the existing biological resources, and analyze the potential impacts to these resources from the proposed project. Section 4.3.1 addresses biodiversity, and Section 4.3.3 describes the consultation with USFWS regarding potential impacts to threatened and endangered species within the project area.

Comment No. 2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to ACC, Comment 1, and to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. 3

Refer to the response to Comment 2 above regarding the authority of the ACC within Arizona's borders.

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit.

McCleve, Scott
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3 | arguments that any "corridor" is needed. If more power is need in the Nogales area, the
cont. | logical choice would be to build a generating plant there, obviating any need for a power
line from Tucson. The arguments for sharing power with Mexico do not persuade.

4 | Building a power line disturbs a lot of ground, as I know from working on their construction
from 1957 to 1969. The disturbance is not just from the footprints of the towers
themselves; far more of it comes from the many miles of roads built to construct the towers
and pull in the wires. Then these roads must be maintained, and sometimes used, for
maintenance of the power line. Building the roads causes a massive amount of erosion,
which causes more disturbance to control or patch the erosion. These roads themselves
invite off-roaders. To control them requires fences and gates and locks, all of which invite
vandalism; all of this further fragments habitats for sensitive species

5 | These roads might also invite illegal aliens and drug smugglers, especially when the roads
are in remote areas, as in the Western Alternative; in fact, I can imagine smugglers looking
at the maps in the DEIS and hoping the powers that be choose the Western Alternative.
Likewise, the same roads, with obstructed views from established roads, such as the Ruby
Road, could also invite saboteurs to the towers and the power lines themselves.

2 | Please record my vote for "No Corridor" Alternative. If that is not acceptable, record my
cont. | vote for the "Central Corridor" Alternative, with strong reservations even for this route.

Sincerely,



Scott McCleve
2210 E. 13th St.
Douglas, AZ 85607

Comment No. 3 (continued)

The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 4

Section 4.1.1, Land Use, of the Final EIS has been revised to clarify that although the Federal agencies use the term "footprint" to describe the area beneath each tower, there would be additional temporary and permanent land disturbance associated with the proposed project. Section 4.1.1 states that the area to be disturbed by access roads (both temporary roads for construction, and permanent roads for maintenance), transmission line tensioning and pulling sites, fiber-optic splicing sites, and laydown yards is addressed in Section 4.12, Transportation, and is not reflected in the structure site disturbance estimates in Table 4.1-1.

Section 3.1.2 states that there is off-highway vehicle use in the project area, and Section 4.1.2 analyzes the impacts of off-highway vehicle use as one of many recreational uses of the project area, including the Coronado National Forest.

Any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance, as appropriate, including responsibilities for repairing vandalism to fences or gates.

Comment No. 4 (continued)

Sections 3.6.2 and 4.6.2 present a description of the existing soils and analysis of the potential impacts to soils, including erosion impacts.

Sections 3.3 and 4.3 present a description of the existing biological resources and evaluation of potential impacts to biological resources, including impacts to sensitive species and their habitat (Section 4.3.3) that could result from the proposed project.

Comment No. 5

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

McDonald, Jerel
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Comment No. 1

The Federal agencies note the commentor's support for the proposed project.

Jerel McDonald
jerelmcdonald@earthlink.net
520-546-0606
10421 E. Calle Del Este
Tucson, AZ 85748
USA
No Draft of full EIS [paper] + CD-ROM
No Draft of EIS Summary [paper] + CD-ROM
No Draft of full EIS on CD-ROM [no paper]

1 | The proposal sounds like a good one. It's a good compromise between the need for power, the happiness of local residents, and protecting the environment.

8/30/2003 9:33:03 AM

McKimmie, Tim
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Comment No. 1

Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project, including impacts within the Tumacacori and Atascosa Mountains.

Dear Ms. Kozacek,

The Tumacacori and Atascosa Mtns are unique recreational areas and would be adversely affected by the proposed Electric Power Transmission lines. A few years ago, on Christmas eve, I was hiking the area and came across an Elephant Trogon, a rare and wonderful bird. Please keep this area wild!

Tim McKimmie

Sue Kozacek,
Acting Forest Supervisor,
Coronado National Forest
300 W. Congress
Tucson, AZ 85701

Received
NFT 19 2003
Coronado National Forest
Tucson, AZ 85701

1

McManus, Roger
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October 14, 2003

Jerry Pell, Ph.D., CCM
NEPA Document Manager
Office of Electric Power Regulation
Fossil Energy, FE-27
Department of Energy
Washington, DC 20585

Dear Dr. Pell:

Thank you again for your assistance and time regarding our preparation for our comments on the *Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (DOE/EIS-0336)*. As I indicated to you on the telephone last week, we have received two sets of the DEIS within the last two weeks.

Nevertheless, please consider this a formal request for an extension in the comment period on this DEIS. As you know, we sought to ensure that we receive the DEIS in a timely manner before it was available. While your records indicate that we were sent the DEIS when it was ready for distribution, we did not receive it. We wanted the DEIS early because of our schedules and are now unable to complete the level of review we intended before the end of the comment period because of the delay in receiving the DEIS. For us this is a serious matter, we are landowners that will suffer serious adverse impacts if this project proceeds as outlined in the DEIS.

I believe such an extension is further warranted based on the clear need for preparing a supplemental DEIS. DOE's work on this document provides a good start, but there are serious deficiencies that preclude informed and effective public review and decisions by the appropriate policy makers.

Comment No. 1

The public comment period began on August 22, 2003, and officially concluded on October 14, 2003, for a total of 53 days. An extension of the comment period was not granted because the Federal agencies deemed this comment period was reasonable, and it exceeded the requirements set forth by CEQ Regulations (40 CFR 1506.10[c]) for a Draft EIS public comment period of at least 45 days. Although the official public comment period for comments on the Draft EIS closed on October 14, 2003, the Federal agencies continued to accept comments after the close of public comment periods, and considered them, to the extent feasible, in the preparation of the Final EIS. Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all other applicable laws and regulations. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

Section 3.13 discusses minority and low-income populations in the vicinity of the proposed project, including Arivaca, and Section 4.13 concludes that there would be no disproportionately high and adverse impact to the minority or low-income populations.

Comment No. 2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

McManus, Roger
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1
cont.

Recognizing the Department's efforts to hold a scoping meeting in Arivaca, I request an additional public hearing in Arivaca on the proposal and the DEIS and the supplemental DEIS. We are a poor community statistically compared to the communities along the central corridor. Our community will suffer the most from the choice of the preferred alternative. We deserve the opportunity to express our views from the perspective of the place where those adverse impacts will be most deeply felt.

My major concerns based on the time available for reviewing the DEIS are as follows:

Project Need: The statement of need and justification for this project is lacking. This project, if implemented, will have serious consequences and the basis for its initial consideration needs to be a solid case for its need. That preparing the DEIS and the associated public expenses is being conducted without such a justification, raises questions about the ripeness for preparing a DEIS.

2

"TEP believes that the proposed project would have the potential to benefit both southern Arizona and northern Mexico with regard to the availability of electric power." (Page 1-7 of the DOE/EIS -0336) I question whether "the potential to benefit" is adequate analysis to justify the project. Nor is the explanation later on the same page noting that TEP and Citizens face possible monetary penalties if the project does not proceed on time. That was the financial risk TEP and Citizens undertook voluntarily and U.S. citizens and their policy makers are not responsible, although such bad judgment may end up costing TEP and Citizens customers may end up paying for that judgment. There needs to be transparency here regarding the economic parameters that are driving this

3

4

Comment No. 2 (continued)

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 3

The potential for penalties to TEP for failing to comply with ACC Decision No. 62011 (see Section 1.1.2) is provided as background information on the proposed project, but does not affect the Federal agencies' evaluation of the proposed project in the EIS.

Also, because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Comment No. 4

The potential economic benefit to TEP from the proposed project is outside the scope of the EIS. This EIS evaluates the proposed project's potential environmental impacts, which under CEQ NEPA-implementing regulations encompass the natural and physical environment, as well as the relationship of people with that environment (40 CFR Part 1508.1). NEPA's definition

McManus, Roger
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4 cont. | proposal. And, we have no basis for judging where the
 “potential” benefits will justify the costs. Other public
 works projects are subject to cost/benefit analyses, why not
 this one?

5 | **Basis for the Preferred Alternative:** You note that the
 preferred alternative was based on the preference by the
 Tucson Electric Power Company, and the fact that the
 Arizona Corporation Commission only has authorized that
 route. I assume the Commission could authorize another
 route so that would not seem to be an overriding
 consideration. In any case, assuming that the project is
 needed, neither body would seem to have an overriding
 interest in the route taken except as it may relate to cost. As
 indicated below, there is no substantive bases for making a
 judgment on alternatives based on economic considerations
 in the DEIS.

The DEIS suggests that Department has chosen the
 preferred alternative on the basis of TEP’s standard to avoid
 residential areas in locating transmission lines. That is only
 one of their criteria for their “Corridor Identification
 Process.” Other criteria include to “stay within existing
 utility corridors”, “parallel existing infrastructures”, and to
 “avoid sensitive or regulatory areas.” While arguments are
 made for disregarding these criteria, the information
 provided in the DEIS does not substantiate these arguments.
 There does not seem to be a consistent, substantive or policy
 rationale for establishing the preferred alternative, or at least
 that rationale is not provided.

6 | **Economic Considerations.** The analysis of the economic
 consequences of the alternatives is lacking. The Western
 Corridor and Crossover corridors in particular will seriously
 degrade the wild and scenic nature of the areas they will cut

Comment No. 4 (continued)

of environmental impacts does not require a cost-benefit analysis, and thus,
 such analysis for the entire project is outside the scope of the EIS.

Comment No. 5

While DOE identified the Western Corridor as its preferred alternative in
 Section 1.1 of the Draft EIS for the reasons cited, DOE accepted public
 comments on this designation and has taken these comments into account in
 the Final EIS. The Federal agencies made changes in the Final EIS where
 appropriate to include additional clarifications and analyses suggested by
 commentors on the Draft EIS. In light of the analyses presented in the Final
 EIS, DOE’s preferred alternative in the Final EIS remains as the Western
 Corridor, for the reasons stated in Section 1.4.1.

Comment No. 6

Sections 3.5 and 4.5 discuss the existing socioeconomic resources and
 address potential socioeconomic impacts as a result of the proposed project.
 Section 3.5 has been revised in the Final EIS to describe existing
 socioeconomic aspects of tourism in the project area, and Section 4.5 has
 been revised to discuss potential impacts to socioeconomic aspects of
 tourism. Section 4.5 includes a discussion of the reasons that potential
 impacts to property values as a result of the proposed project are speculative
 and beyond the scope of the EIS. A cost-benefit analysis of the proposed
 project is beyond the scope of the EIS.

Sections 3.2 and 4.2 discuss the existing Scenic Integrity and changes that
 may result from the proposed project, including impacts to the Atascosa and
 Tumacacori Mountains, and the Pajarita Mountains south of Ruby Road.
 Sections 3.1.2 and 4.1.2 present a description of the existing recreational
 opportunities, including scenic driving on Ruby Road, and analyze the
 potential impacts to these resources from the proposed project. Ruby Road
 is not designated as a national or state scenic byway.

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6 up. This is one of the most spectacular wild areas in Arizona frequently featured in literature and other promotions for recreation and tourism in this part of the state. It was a primary reason why my family sought to buy land in the area, land which we intend to eventually donate for conservation purposes to further preserve the wild and scenic values of the region for the future. Ruby Road in particular is well known for its values in this regard. The proposal to run an industrial power line along this famous scenic byway is almost ludicrous if the threat was not so serious. Your visual projections in the DEIS of the possible change starkly underscore the potential impact, which will have irretrievable adverse economic consequences on the region by fundamentally destroying the values that will attract visitors and residents to the region for low-impact use.

This is not an issue about property values, this is an issue about irrevocably damaging the values of the wild areas to the region essential to our economic viability. Your analyses and public comments on the proposed action clearly substantiate the probability of that damage, and there are available research techniques to assess the costs.

7 The economic costs of providing roads through isolated areas that will undoubtedly be used by illegal immigrants needs to be evaluated. Clearly this will come at a cost for increased law enforcement needs, as well as costs from damages and crime associated with such access. Such access will be an extra burden on Federal and state land managers, as well as private land owners. These are real expenses that need to be explicitly considered.

8 The central corridor alternative is a mixture of rural, residential, urban and industrial uses, including power lines

Comment No. 7

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The reasonably anticipated direct and indirect effects of these activities are reflected in the Final EIS in the sections listed above. For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002). The potential economic impacts cited by the commentor from these activities are too speculative for inclusion in the EIS.

Comment No. 8

Sections 3.1 and 4.1 present a description of the existing land use, and analyze the potential impacts to these resources from the proposed project.

Section 4.5.1, New Transmission Line ROW and Access Roads, describes how affected landowners would be compensated for easements. If implementation of the proposed project requires condemnation of private lands (in the case that an easement agreement cannot be reached with the land owner), such condemnation would be subject to separate legal proceedings, which provide due process for those affected.

This EIS evaluates the proposed project's potential environmental impacts, which under CEQ NEPA-implementing regulations encompass the natural and physical environment, as well as the relationship of people with that environment (40 CFR Part 1508.1). NEPA's definition of environmental impacts does not require a cost-benefit analysis, and thus, such analysis for the entire project is outside the scope of the EIS.

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cont.

and other utility facilities. It is difficult to envision that a transmission line through this area will significantly alter its character in light of existing development. In any case, a proper economic analysis should shed considerable light on these choices, but the DEIS does not facilitate that critical analysis or the decisions that should flow from it.

The applicants want to avoid the costs of paying for the rights of way on private lands, and obviously prefer to have free access to land owned by the public. Those costs can be evaluated and a fair and balanced economic analyses provided on the costs and benefits of the alternatives as well as the costs and benefits of the project itself.

Insufficient Bases for Rejecting Proposed Alternatives.

Recognizing the wisdom of CEQ's regulations to consider only alternatives that are "technically and economically practical and feasible," the bases for dismissing alternatives in the DEIS are generally insufficient for the reader to form an opinion on whether this document is in compliance with those regulations. I recognize the Department is relying on consideration only of the alternatives agreed to by the proponents, but that would suggest there is actually something inherently wrong with the other alternatives, several of which seem on their face to be better fits with TEP standards. In fact the analyses in part would seem to contradict those standards again raising the issue on how and why specific alternative prevail. There needs to be some additional transparency here.

Examples of problems abound. Consistency of standards and analyses seems to be a major problem for the rejection of the Eastern Corridor. The I-19 corridor is rejected summarily for reasons of visual impacts (see below), "potential impacts to cultural resources" (largely discounted

Comment No. 9

Alternatives are eliminated from detailed study for not being technically and economically feasible; it is these criteria, and not any sort of impacts analysis, that drives the process of eliminating alternatives from detailed analysis. CEQ regulations (1502.14[a]) only require a brief discussion of the reasons for which alternatives were eliminated from detailed analysis, rather than an in-depth analysis.

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Section 2.1.5 discusses why other alternative corridors (such as the Eastern Corridor and I-19 Corridor) were considered but eliminated from detailed study.

Comment No. 10

Sections 3.2 and 4.2 (Visual Resources) address impacts to the degree of intactness and wholeness of the landscape character through evaluation of existing Scenic Integrity and changes that would result to Scenic Integrity from the proposed project.

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cont. by the views of native Americans and other analyses in the DEIS), unsubstantiated safety concerns and disruption of traffic during construction. How does temporary traffic disruption compare to the permanent damage imposed through the Western or Crossover corridors? The East Central Corridor would “restrict aerial pollination and pest control”. Would those activities be seriously restricted? Is this the first time crop dusters have had to consider trees and power lines? I don’t want to appear frivolous, but asking the public accept such assessments as adequate risks the same reaction about the proponent’s rationale for rejecting these alternatives. What really are the hazard potential and height restriction problems concerning the Nogales International Airport? Is there no mitigation possible for that locale? The South East Corridor was rejected for even less substantial reasons. To be frank, the proposed alternatives seem only explicable by assuming that the proponents hold values that much of the public do not share.

10 **Visual Analyses.** The visual projections regarding the proposed alternatives are instructive, but I suggest a key issue is neglected that should be addressed in the supplemental. That is the projections of the line with respect to the developed and industrial areas that dominate the corridor. To be specific, in such areas what would be the incremental impact of an additional transmission line carefully planned and constructed? This has to be compared to clear permanent damage of the first major industrial intrusion into an essentially pristine wild and scenic area characterized by roadless regions and wilderness.

11 The DEIS clearly finds the damages to the Western and Crossover corridors exceed those of the Central Corridor. As indicated above, most people familiar with the drive along Ruby Road would be shocked by a proposal to line it

Comment No. 10 (continued)

The photo simulations in the EIS are included to portray the range of visual impacts of the proposed project, from wide-open to partially blocked views at a range of distances, covering the most likely viewing areas. The photo simulations are augmented by descriptions of the vegetation and land use; Scenic Integrity values; and maps of visibility and various visual attributes, to support analysis of visual impacts. Mapping of project visibility was performed from major (paved) roadways because these areas would have the highest concentration of viewers. Additional photo simulations or maps of project visibility are not necessary to provide analysis of visual impacts needed to bound the impacts from each alternative and to compare alternatives.

Comment No. 11

Comment noted. Section 4.2 describes the visibility of the proposed project along all corridors and does not make a value judgment on which views are preferable.

Comment No. 12

Comment noted. Section 4.2 describes the visibility of the proposed project along all corridors and does not make a value judgment on which views are preferable.

Comment No. 13

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all other applicable laws and regulations. The Federal agencies have determined that the Draft EIS does not need to be recirculated for additional review.

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- 11 cont. with such a transmission line. To suggest this industrial construction is mitigated by being able to turn your back to the line and look south does not reflect the reasons why people are drawn to such areas. The DEIS clearly finds the scenic values of the Western and Crossover corridors exceed those of the Central Corridor.
- 12 The Central Corridor not only has less inherent scenic value, the adverse impacts of the transmission line are substantially reduced because of the existing development. For example, the Department seems to suggest the adverse visual impacts of the line are mitigated in this corridor when it becomes “hidden behind mine tailing piles.” How does one judge whether it is preferable to view mine tailing piles or a transmission line? Or does it matter in such an environment? This is not unimportant as the potential loss of scenic values seems to be driving the choice of the Western corridor as the preferred alternative.
- 13 As elsewhere in the analysis, the Department is asking for public evaluation before information is available that the government is still collecting and can predict it will use in its decision-making. “Further evaluation of potential cumulative visual impacts is currently underway by DOE in consultation with USFS.” – see page 5-9. That such information will be made available in the Final EIS after the agencies have made their decisions is of scant comfort.
- 14 **Environmental Analyses.** As you indicate in your cover letter dated August 11, these are incomplete. I recognize a purpose of the draft EIS is to further improve the decision making document, but there has to be a base standard by which the public can be expected to effectively contribute to the decisions of their policy makers.

Comment No. 14

Refer to the response to Comment 13 above. DOE and the cooperating agencies have each identified their preferred alternative(s) in Section 1.4, The Federal Agencies’ Preferred Alternatives, of the Final EIS, in compliance with NEPA implementing regulations (40 CFR Part 1502.14[e]), which only require the identification of each agency’s preferred alternative or alternatives in a Draft EIS if one or more exists, or, if one does not yet exist at the draft stage, in the Final EIS. The agencies circulated the DEIS for public comment in order to gather more information on which to make their decisions.

Comment No. 15

Section 4.3.2, Vegetation and Wildlife, has been revised in the Final EIS to include updated information about the biological and habitat surveys conducted in the proposed project corridors.

To clarify, BAs are prepared by biologists outside of USFWS and submitted to USFWS to support preparation of a Biological Opinion (BO) by USFWS on the proposed project. Section 4.3.3 describes the consultation with USFWS regarding potential impacts to threatened and endangered species within the project area, and the timing of this consultation with the NEPA process.

Comment No. 16

Section 4.12.3, Transportation, states that no new roads would be built by TEP within the IRA (crossed only by the Crossover Corridor in Peck Canyon), such that there would not be a violation of IRAs as cited by the commentor.

Refer to the response to Comment 9 above regarding the elimination of alternatives.

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cont.

The public should not be asked to comment on incomplete analyses and fundamentally defer their informed input to judgments made by public officials who clearly will have predictable, additional information later that will not be available for the public review and comment. Shouldn't the public know the preferred alternative of responsible resource management agencies and why they have reached their initial conclusions? Several are in fact cooperating agencies in this draft EIS. This scenario would seem to challenge the whole purpose of the NEPA process and law of adequately informing citizens of the alternatives and bases for those alternatives to facilitate their effectively providing their views. Are we to be faced with the prospect those views will be discounted because they were based on information that the government knows will be available at a later date? If so, why are we rushing to judgment and not providing for the best possible public participation?

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In particular, I am concerned about the absence of needed wildlife surveys ("No wildlife surveys were conducted in the corridors." – see page 3-29) and of final biological assessments by the U.S. Fish and Wildlife Service concerning endangered and threatened species required under the U.S. Endangered Species Act. How the public should comment on the proposed alternative without knowing the Service's views on the impacts of the alternatives regarding endangered species is unclear. I am not sanguine about the victory of logic in this case. The Draft EIS notes that available information concludes "The Western Corridor has the highest potential for adverse effects of special status species." With that knowledge that corridor has been chosen as the preferred alternative. There is a distinct lack of transparency about this process that needs to be corrected.

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cont.

Comment No. 17

An Environmental Justice analysis was completed for the four proposed alternatives, and is discussed in Section 4.13 of the EIS. Tribal concerns about the proposed transmission line are discussed in Sections 3.3 and 4.3.

Comment No. 18

Section 3.13 discusses minority and low-income populations in the vicinity of the proposed project, and Section 4.13 concludes that there would be no disproportionately high and adverse impacts to the minority or low-income populations. All public comments received by the Federal agencies have been treated equally. Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

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cont. With specific regard to the ESA, in many ways this process seems to be headed for another example where the ESA is being relied on to alter or stop a project that based on much of the analysis in your draft EIS should not be even be considered. Or, alternatively, that the U.S. Fish and Wildlife Service is being pressured to not block a decision already in process. Why can't we collect the proper data, conduct the expected analyses, let the resource management agencies conclude their legal findings in a neutral atmosphere, and then view alternatives in light of that needed information?
- 16 The Crossover corridor would require violation of an Inventoried Roadless Area. How does this cost measure up to the reasons cited for rejecting other alternatives (see above)?
- 17 **Environmental Justice.** I respectfully disagree with your conclusion on pages 2-28 and 2-29. Native Americans oppose the project and particularly the Western and Crossover corridors. They do so in part on cultural grounds, which cannot be easily dismissed because of our assessments on the validity of their beliefs. In any case: "Because only a small percentage of the Western Corridor has been previously surveyed for cultural resources, it is extremely likely that additional prehistoric and historic sites exist within it." – see page 3-49. This is a justice issue as the preferred alternative and the rejected alternatives have little substantive basis for their fates except presumably values held by the proponents of the project. I focus on values here because the DEIS does not document overriding substantive rationales for the choices.
- 18 Perhaps even clearer, the preferred alternative in particular fundamentally dismisses the fundamental values of the

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cont. residents of the region which would be most adversely impacted (by the Department's DEIS) by the preferred alternative. These are largely low-income people who have opted to live in an area rich in values for a region that will be substantially and irrevocably altered by construction of the transmission line. It is not just visitors who share these values (see page 3-10), people who live there share these values as well. These are people who are less capable of defending themselves than the proponents and their supporters, and a clear reading of the DEIS suggest there views have been given less weight than those of more substantial means. It is a classic case of social justice where an unwanted project is being imposed without substantive basis on a segment of society least prepared to stop it.
- 5
cont. **Public Views.** Nevertheless, public opinion on this project seem to overwhelmingly oppose it and in particular the Western and Crossover alternatives. This opinion includes native Americans (despite numerous efforts to allow them to change their views) and area residents that have to live with the consequences of the decision. Recognizing the NEPA process is not a popularity vote, one does have to note that sentiment seems to support the substantive weight of analysis against the Western and Crossover alternatives.
- 2
cont. Overshadowed in the debate over these onerous alternatives, is whether we need this project at all.
- As you suggested, will be preparing more thorough comments on the DEIS with the hope that it will be practical for their consideration. To that end, I will be contacting you concerning additional background information and your counsel as appropriate on how to best provide those views.

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In any case, I look forward to the Department granting my requests for an extension in the comment period, preparation of the supplemental DEIS (particularly to include anticipated, available information of critical importance to informing the public regarding their effective review of the DEIS), and holding an additional public hearing in Arivaca.

Sincerely,

Roger E. McManus
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